

TOWN OF WINCHENDON



Zoning Board of Appeals

297-5414



Telephone (978)

Zoning Board of Appeals Minutes March 15, 2017 4th Floor Conference

Present: Chairman Cynthia Carvill, Vice Chairman Mary Chace, Ray Benoit, Alternate Mark Landanno, Alternate Recorder Doneen Durling
Bryan Coffin, Shannon Coffin, Krissann Stancombe, Richard Stancombe.

Materials: Agenda March 15, 2017

- Public Hearing Notice Lakeshore Dr.
- Denial letter from building inspector
- Petition for variance
- Subdivision lot map
- Assessment Field Card
- Build plans
- Addition Main Floor Plan
- Foundation plan for existing and newly proposed
- Letters of approval from abutters Lakeshore
- Petition for variance Baldwinville Rd.
- Denial for building permit from zoning enforcement officer
- Proposed Stancombe building plan
- Assessment field card
- Lot maps 41 Baldwinville Rd.
- Photo

Call to Order; 7:08

The chairman said there would be 2 hearings, one for the Coffins on Lakeshore Dr., and the second for the Stancombs on Baldwinville Rd.

She asked if there was any other new business. Hearing none, she noted that there were five seated members that included alternates Mark Landanno and Doneen Durling.

She asked if any member needed to recuse themselves due to conflict. Seeing none she called forward the Coffins from Lakeshore Dr.

Chace moved to open the hearing/ second by Benoit

Chace (Y) Benoit (Y) Landanno (Y) Durling (Y) Carville (Y) ***5 - 0***
Approved

Chace read the legal notice: (Chace noted the change of venue from second floor to fourth due to cold temps on the second floor)

The variance hearing was on the application of Bryan Coffin of 210 Lakeshore Drive Winchendon MA for the same property identified as Winchendon Assessor's map 5B4 parcel 38 owned by the same. The variance application seeks relief from the side setback as outlined under article 7.2 of the Winchendon zoning bylaw for the construction of a garage. Property is located in the R80 rural residential neighborhood district.

Bryan and Shannon Coffin signed in and were sworn in by the chairman.

Bryan Coffin outlined his plans to put an addition on the house and an attached two car garage. The addition would include a family room, mud room and the garage. He said the reason for the addition was that they come into the house straight into the kitchen and they needed a place to hang coats. He said it would devastate their ten year old if they moved. He said that is why he seeks relief from the side setback.

The chairman noted he would be 14' short.

Coffin delivered multiple letters of approval from the neighbors and abutters. Coffin also submitted photos.

The chairman noted it was a 35' plus addition by 26'. She asked about the original footprint of the house.

Coffin said it was 24' by 24'.

Coffin said he also intended to put a study room in the front of the house. Coffin said there was confusion in the beginning when the building inspector thought the side setback was 10'. Coffin said that since the confusion, the BI has been helpful.

Coffin said trees would be coming down. He said there were still plenty of trees.

The chairman asked where the septic was located.

Coffin pointed out septic in the front.

Driveway is where it should be.

There were seven letters of support.

The chairman asked if there were any more questions for the applicant. Hearing none, she advised what was to be considered.

She said the board would need to consider whether the information provided demonstrated that the project met the criteria for a zoning variance which is due to the uniqueness of the size shape and topography of that particular lot. She said he is constrained to keep it in the lot. Additionally there is a septic in the front of the lot.

Chace noted there is a slope in the back that would prohibit building the garage behind, plus a wetland issue.

Carvill said she was in on some of the planning for lakeshore Drive subdivision. She said the lots are a little smaller with the idea of leaving big chunks of open space. She noted Coffin's lot abuts Whitney Pond.

Coffin demonstrated that because of the shape of the other lots abutting, he could only build the addition in the configuration presented.

Carvill said he was right and told the board he met one condition for variance because of the size shape and topography of his particular lot.

The chairman said another thing to consider is that the requested setback is keeping with the existing characteristics and the harmony of the neighborhood. And does not substantially derogate from the intent of the zoning district as outlined in the zoning bylaws.

Carvill said there are seven letters of support.

Chace said there were other houses that had to get variances for garages in that neighborhood.

No abutters were present.

No abutters sent letters of objection.

The chairman requested a motion to close the hearing.

7:27 Chace moved to close the hearing/second by Durling.

***Chace (Y) Benoit (Y) Landanno (Y) Durling (Y) Carville (Y) 5-0
Approved***

7:29 Chace moved in favor of the applicant for a variance with the findings that there were no abutters objecting, they had seven letters of support from neighbors, the topography of the lot affects where they can build with slope in the rear and septic in the front of the lot plus there is an odd shaped lot/second by Benoit.

***Chace (Y) Benoit (Y) Landanno (Y) Durling (Y) Carville (Y) 5-0
Approved***

The chairman informed the applicant that he would have to wait 21 days. She said when the planning office finishes the packet he would have to register with the Worcester County Registry of deeds. She said the variance would go with the land and will become part of the deed.

Chace noted there was a letter from 41 Baldwinville Rd in the packet for Lakeshore Drive.

Carville noted that the Stancombe hearing remained unopened because there was no quorum at the last meeting. She called Richard and Krisann Stancombe forward.

Chase read the public notice.

The hearing was first opened February 15, and was continued until March 15. The application was for Richard and Krisann Stancombe of 35 Baldwinville Rd. for property located at 41 Baldwinville Rd. Winchendon identified as assessor map 8 parcel 197. Applicant seeks relief of the 25' frontage requirement as outlined in Article 7 section 2 of Winchendon zoning bylaw for the construction of a dwelling. Said property is located in an R80 rural residential neighborhood. The couple was sworn in.

7:31 Durling moved to open the hearing/second by Chace

Chace (Y) Benoit (Y) Landanno (Y) Durling (Y) Carville (Y) 5-0
Approved

Carville said there had been plenty of time for review. Benoit said he attended the first hearing.

Carville asked if there were any questions for the applicant.

Carville said there would be a short review for Chace's sake because she had been sick.

Krisann Stancombe said she has lived in town for most of her life. She grew up on a farm that abuts the property being considered. When she and Richard were married, her parents gave them the corner lot and they have lived there in the home for 27 years. Her parents stayed in the farmhouse and subdivided the rest of the land when they retired. She said at the time they needed 175' and two acres of land to build a lot. Krisann's parents have built a home right next to the Stancombe home, and the Stancombes purchased one of the lots with the intent of using it for farmland, which they have for the last four years. It has reached a point where they wish to build a dwelling on the property. There has been a change since it was subdivided that calls for 200' of frontage so the Stancombes are requesting a relief from the 200' frontage requirement. She said at the time of subdividing they were all buildable lots for the purpose of selling them. Krisann said all the neighbors are in agreement. They have letters from property owners that abut the property.

Carville noted that frontage varies from 135 to 154 to 175.

Krisann said her in laws are residing with them until the home is built. She said there are health issues that prompted the sale of their larger home. She said the home would be a modular home and temporary. It will be built on a slab. The gardens will still be there. +

Mark Landanno said that zoning changes that disrupt planned lots such as the ones owned by the Stancombes leave people hung out because they do not realize they are only grandfathered for five or six years. The fact that it

was a 175' frontage conforming lot and then becomes unbuildable because it was expanded to 200'.

Carville said the zoning has changed a lot in the last 25 years. Krisann said they have the acreage, they just don't have the frontage.

Krisann said there was a barn on the property.

Benoit said he wired the home of Krisann's parents. He said he heard the story previously.

Krisann said the home would be well built. She said they might even end up in the home in later years. They would still maintain it as farmland.

Carville said they would take out the word temporary dwelling and put dwelling on a non-conforming lot. She said zoning requires 200' frontage on the conforming lot so the lot was short 25' of frontage.

She said any time a variance was considered they had to consider the uniqueness of the lot in relation to the rest of the zoning district.

Chace noted the frontage in the area was all 175'.

Carville said the size shape and topography of the lot is consistent.

She asked if there was a leech system. The Stancombes said no.

Carville said we should note the zoning was previously 175'.

Landanno said it was subdivided within the last 15 years.

Krisann said it seemed more like 9 years.

Chace said zoning has changed a lot.

Carville said she believed the major consideration was previous zoning allowed the lot was buildable. It is definitely consistent with the characteristics of the neighborhood, and it does not derogate from the intent of the zoning district. It is a 2 1/2 acre lot and will meet setbacks.

Carville said she could not think of any other considerations. She called for a motion to close the hearing.

Chace moved to close/second by Benoit

***Chace (Y) Benoit (Y) Landanno (Y) Durling (Y) Carville (Y) 5-0
Approved***

Chace moved to grant the variance to the Stancombes with the following considerations. The applicants have requested a variance for relief from frontage requirement under zoning provision 7.2 because zoning has changed from 175' to 200' and it does not negate from the intent of the bylaw. This was due to a change in frontage. Meets all other setbacks. The variance request is due in large part to the size and topography and uniqueness of the lot/second by Durling

Chace (Y) Benoit (Y) Landanno (Y) Durling (Y) Carville (Y)
Approved

5-0

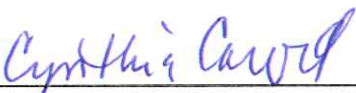
Carville said the granting would be typed up ASAP.
She advised there is a 20 day appeal.
She thanked the Stancombes for their patience.
Richard Stancombe said he would be joining the board.

Durling moved to close the meeting/Second by Chace


Chace (Y) Benoit (Y) Landanno (Y) Durling (Y) Carville (Y)
Approved


5-0

Adjourned: 7:44


Chairman Cynthia Carvill


Vice Chair Mary Chace


Raymond Benoit


Doneen Durling (Recorder/Alt)

Mark Landanno, Alt.